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To: County and District Superintendents of Schools
County and District Chief Business Officers
Alternative Education Directors
Community Day School Administrators

From: Mary Tobias Weaver, Assistant Superintendent/Director
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Subject: Community Day Schools Update

The California Department of Education (CDE) distributed a major field memorandum from Superintendent Delaine Eastin entitled *Update on Community Day Schools* on January 15, 1999. That memorandum summarized key sections of law related to Community Day Schools, and specifically highlighted key amendments to the law that were enacted by Assembly Bill 1845 (Chapter 847, Statutes of 1998). The memorandum also presented several issues to be considered by districts and county offices of education that are interested in establishing one or more Community Day Schools.

This memorandum summarizes changes resulting from legislation enacted during 1999. It also provides additional information related to the establishment of Community Day Schools.

For other information about Community Day Schools, please contact Dan Sackheim, Consultant, in the Educational Options Office by calling (916) 445-5595, or by sending e-mail to dsackhei@cde.ca.gov. You can also find information about Community Day Schools including the January 15, 1999, *Update on Community Day Schools*, on the Educational Options Office web site at <http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html>.

Grade Spans of Community Day Schools

Assembly Bill 1600 (Chapter 646, Statutes of 1999) included provisions concerning which students, by combinations of grade levels, may be served in a Community Day School. Key changes in the law provide more flexibility for the establishment of Community Day Schools serving students in middle grades, and for the establishment of Community Day Schools by K-8 school districts.

Prior to AB 1600, Section 48660 stated, generally, that the governing board of a school district could establish one or more Community Day Schools for pupils in grades 1 to 12, inclusive. However, Section 48916.1(d) limited the grade spans to K-6, inclusive, or 7-12, inclusive. Districts seeking to operate middle grades Community Day Schools that included grades 6 and 7

and K-8 school districts seeking greater flexibility needed to request waivers of the grade span limitations from the State Board of Education. The statutory amendment enacted by AB 1600 was proposed to reduce the need for these waivers.

The allowable grade spans for a Community Day School as set forth in the newly amended version of *Education Code* section 48660 are as follows:

- A Community Day School may serve pupils in any of kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12, inclusive, or the same or “lesser included range” of grades as may be found in any individual middle or junior high school operated by the district.
- If a school district is organized as a district that serves kindergarten and grades 1 to 8, inclusive, but no higher grades, the governing board of the school district may establish a Community Day School for any [of] kindergarten and grades 1 to 8, inclusive, upon a two-thirds vote of the board.

Section 48660 also states that it is the intent of the Legislature, to the extent possible, that the governing board of a school district operating a Community Day School for any of kindergarten and grades 1 to 8, inclusive, separate younger pupils from older pupils within that Community Day School.

Location of Community Day Schools

Community Day Schools are **separate schools**, not merely separate programs within schools, and are further intended to be **located apart from other schools**. The separate location requirement reflects the Legislature’s priority that Community Day Schools be a placement option for expelled students who have been removed from other school settings. AB 1600 provided the governing boards of K-8 districts with some increased flexibility in locating sites for Community Day Schools when satisfactory separate locations are not available, but the clear directive to maintain the separation of these schools remains.

As amended, *Education Code* section 48661 provides that a Community Day School may **not** be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, **except** under the following circumstances:

- When the governing board of a school district with 2,500 or fewer units of average daily attendance reported for the most recent second principal apportionment certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a Community Day School.
- When the governing board of a school district that is organized as a district to serve kindergarten and grades 1 to 8, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a Community Day School.

- When the governing board of a school district that desires to operate a Community Day School to serve any of kindergarten and grades 1 to 6, inclusive, but no higher grades, certifies by a two-thirds vote of its membership that satisfactory alternative facilities are not available for a Community Day School.

Consistent with the foregoing discussion, if a district establishes a Community Day School on the same site as another school, the district should make diligent efforts toward achieving maximum separation of the Community Day School. The findings justifying a local governing board's certification necessarily require a search of available facilities. This search should encompass both district-owned properties and other locations.

The governing board certifications required by *Education Code* section 48661 are valid for not more than one school year, but may be renewed annually by two-thirds votes of the governing board following an updated search.

Facilities

The laws governing the use of buildings and sites for Community Day Schools are complex. Key provisions include requirements pertaining to what are acceptable facilities for programs serving expelled students (including *Education Code* section 17292.5) and to the lease of buildings for use as school buildings (including *Education Code* section 17285). For information about these and other key provisions, as well as guidelines for site and facilities standards, such as site size and classroom size, contact the California Department of Education, School Facilities Planning Division, at (916) 322-2470. For information about structural requirements for school facilities, contact the California Department of General Services, Division of the State Architect, at (916) 445-8100.

Under provisions included in SB 50 (Chapter 407, Statutes of 1998, Greene), school districts and county offices of education may be eligible to apply to the Office of Public School Construction (OPSC) for funds for the acquisition of land and construction of new facilities for Community Day Schools. Information about these funds can be obtained by calling the Department of General Services, Office of Public School Construction, New School Facility Program, at (916) 445-2704. Information is also available on the OPSC web site at <http://www.dgs.ca.gov/opsc/>.

Funding Levels

The January 15, 1999, *Update on Community Day Schools* described in detail how basic and supplemental funding for Community Day Schools is calculated. While the general content of those sections is still accurate, Assembly Bill 1115 (Chapter 78, Statutes of 1999) provided for an inflation adjustment to the supplemental funding apportionments to be paid for pupil attendance at Community Day Schools.

The levels of funding for Community Day Schools for the 1999-2000 school year are as follows:

- supplemental funding for district Community Day Schools (§§48663 and 48664(a)): \$4,246 per ADA,
- supplemental funding for county-operated Community Day Schools (§§48663 and 48664(a)): \$3,223 per ADA,
- supplemental funding for a longer supervised day (§48664(c)): \$4.06 per hour, and
- small district funding waiver (§48664(d)): \$77,580.

Basic funding for county-operated Community Day Schools (§48667(b)) is set at the statewide average juvenile court school revenue limit (reduced by the statewide deficit factor for county programs). Since this figure is calculated at the annual reporting period, the actual amount cannot be reported at this time. The statewide average for the 1998-99 (annual) revenue limits for Juvenile Court Schools was \$7,181.00 and the deficit was 0.89598. This brought the final amount to \$6,434.03.

Limitation on Supplemental Funding for County Offices of Education

There is a cap on the \$3,223 per ADA **supplemental** apportionments for county Community Day Schools. This cap is the sum of the unused portions of the funding caps of the school districts within the jurisdiction of that county office of education which themselves operate Community Day Schools (§48664 (a)(1)). While a local school district's ADA for mandatorily expelled students (those students expelled pursuant to §48915(d)) enrolled in the district's Community Day School does not count against that district's funding cap (see §48664(a)(2)), the attendance of mandatorily expelled students enrolled in a county Community Day School **is subject to** the funding cap for the county office of education, the same as all other county Community Day School ADA.

Approval of Attendance Accounting System

Community Day School attendance must be maintained and reported in clock hours for each school day (§§48663 and 48664). As stipulated on page 167 in the *Attendance Accounting and Reporting in California Public Schools* manual published by CDE in 1991, school districts (including county offices of education that establish Community Day Schools) must individually obtain CDE approval for their attendance accounting systems. To request approval, each district should submit a copy of its Community Day School attendance accounting system to Kim Clement, California Department of Education, School Fiscal Services Division, 560 J Street, Suite 170, Sacramento, CA 95814. For more information, call (916) 327-0857.